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METROPOLITAN LIFE INSURANCE
7 COMPANY and THE KAISER PERMANENTE
FLEXIBLE BENEFITS PLAN
8

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11

12 REGINA SMITH, an Individual,

13 Plaintiff,

14 v.

15 KAISER FOUNDATION HEALTH PLAN,
INC., in its capacity as Plan Administrator and
16 fiduciary of the Kaiser Permanente Flexible
Benefits Plan, and METROPOLITAN LIFE
17 INSURANCE COMPANY, in its capacity as
ERISA-fiduciary claims administrator and
18 insurer of the Kaiser Permanente Flexible
Benefits Plan, and THE KAISER
19 PERMANENTE FLEXIBLE BENEFITS
PLAN, an ERISA-regulated Welfare Plan,
20

21 Defendants.
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Case No. 3:15-cv-03120 LB

STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING ACTION WITH
PREJUDICE

1 IT IS HEREBY STIPULATED by and among the parties to this action through their
2 designated counsel that the above-captioned action be and hereby is dismissed with prejudice
3 pursuant to FRCP 41(a)(1). Each party to bear its own attorneys' fees and costs.

4 **IT IS SO STIPULATED.**

5 DATED: September 11, 2015 CREITZ & SEREBIN LLP
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8 By: /s/ Joseph Creitz
9 Joseph Creitz
10 Attorneys for Plaintiff
REGINA SMITH

11 DATED: September 11, 2015 SEYFARTH SHAW LLP
12
13

14 By: /s/ Michelle Scannell
15 Michelle Scannell
16 Attorneys for Defendant
KAISER FOUNDATION HEALTH PLAN, INC.

17 DATED: September 11, 2015 SEDGWICK LLP
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20 By: /s/ Mark J. Hancock
21 Mark J. Hancock
22 Attorneys for Defendants
METROPOLITAN LIFE INSURANCE COMPANY and
23 THE KAISER PERMANENTE FLEXIBLE BENEFITS
24 PLAN
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ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from counsel for Plaintiff and counsel for Defendant Kaiser Foundation Health Plan, Inc.

DATED: September 11, 2015 SEDGWICK LLP

By: /s/ Mark J. Hancock

Mark J. Hancock
Attorneys for Defendants
METROPOLITAN LIFE INSURANCE COMPANY and
THE KAISER PERMANENTE FLEXIBLE BENEFITS
PLAN

ORDER

IT IS HEREBY ORDERED that, pursuant to the parties' stipulation, the present action is dismissed in its entirety with prejudice. Each party to bear its own fees and costs.

DATED: September 11, 2015

By: 

HONORABLE LAUREL BEELER